



Patent Docket P1979R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of Paul G. Brunetta et al. Serial No.: 10/719,310 Filed: November 21, 2003 For: THERAPY OF NON-MALIGNANT DISEASES OR DISORDERS WITH ANTI-ERBB2 ANTIBODIES | Group Art Unit: 1641 Examiner: To Be Assigned CONFIRMATION NO: 3292 CUSTOMER NO: 09157 Express Mail No. EV 351 924 759 US <u>August 31, 2004</u> <u>Wm Lee</u> Wendy M. Lee |
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RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Notice to File Missing Parts - Filing Date Granted, mailed August 9, 2004. Transmitted herewith are the following documents:

1. Declaration duly executed.
2. Copy of Notice to File Missing Parts.
3. Paper copy of Sequence Listing with Diskette
4. Certificate re: Sequence Listing

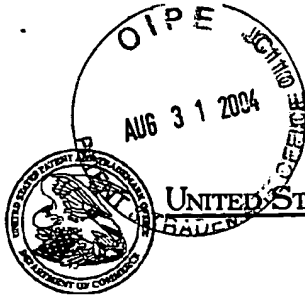
The Commissioner is hereby authorized to deduct the appropriate surcharge fee of \$130 associated with this communication or credit any overpayment to Deposit Account No. 07-0630. A duplicate of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

Date: August 31, 2004

By: Wm Lee
Wendy M. Lee
Reg. No. 40,378
Telephone No. (650) 225-1994



09-01-04

Page 1 of 2

JFW

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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/719,310 | 11/21/2003 | Paul G. Brunetta | P1979R1 |

CONFIRMATION NO. 3292

09157
GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO, CA 94080

FORMALITIES LETTER



OC000000013489667

Date Mailed: 08/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

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patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
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P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Y.G.
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE